

Confidential Claim Retracted

Authorized by: SC

Date: 6/26/13

P. O. Box 26124
Albuquerque, New Mexico 87125

May 7, 1980

Memorandum

To: Deputy Division Chief for Onshore Minerals Regulation,
MS 650

Through: Conservation Manager, SCR

From: Acting Deputy Conservation Manager - Mining, SCR

Subject: NEPA Compliance for the Final Reclamation and Abandonment
Plan for the Anaconda Company's Jackpile-Paguate Uranium
Mine Complex on the Laguna Indian Reservation

The subject mine complex has been in operation for 27 years, and is now nearing the cessation of operations. The complex consists of 1,000 acres of open-pits, 2,000 acres of waste dumps, two operating underground mines, and three planned underground mines. Anaconda expects to complete open-pit operations in 1981, underground operations in 1983, and reclamation in 1986.

The complex as a whole, is not operating under an approved mining and reclamation plan, although the underground mines are operating under plans approved specific to their activities. Comprehensive plans covering the entire operation and its reclamation were submitted on February 25, 1977, and March 29, 1979, and a very detailed environmental assessment was prepared by the Albuquerque District. However, due to changes in the mining plans, and to additional environmental concerns, these documents are now obsolete and a third and final comprehensive reclamation plan must be developed.

The Albuquerque District Office has taken the lead in working with Anaconda, the Laguna Tribe, and the BIA, to jointly design a comprehensive and detailed reclamation plan that will be satisfactory to all parties. This process is scheduled for completion by September 1, 1980, at which time the plan will be submitted to the Laguna Tribal Council for ratification. Intense negotiations between Anaconda and the Tribe are expected, and the Albuquerque District personnel will be supporting the Tribe. Anaconda has estimated the total cost of reclamation to be between 20 and 30 Million dollars.



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Upon Tribal ratification, a formal plan will be submitted to the Survey; possibly as soon as mid-fall 1980. The Survey must then discharge its NEPA responsibilities, and approve the plan. The NEPA related decision is not whether to allow the mining to be conducted, or whether to reclaim the disturbance; these decisions were made prior to passage of NEPA. The decision to be made is how to reclaim the disturbance, and there is some question as to whether this type of a decision would require the preparation of an EIS.

The arguments in favor of the preparation of an EIS are based on the intensity of the impact of reclamation, its uncertainties, and the precedent to be set. At the end of mining, there will be 3,500 acres of disturbed land including 1,250 acres of open-pits, 2,250 acres of waste piles, and 15 miles of highwalls. The type and success of reclamation will determine the future use of this land.

There are two perennial rivers that flow through the open pits, and a small Indian town that lies less than 300 yards from the mine. The amount of radioactivity released into these areas has not been adequately defined, and the associated health impacts can not presently be predicted accurately. In addition, this is the first large uranium mine to be reclaimed under the supervision of the Federal government, and there is a serious lack of environmental documentation to support our decisions. We will, therefore, set considerable precedent for future reclamation efforts.

The arguments against preparation of an EIS are based on its timing, and usefulness. Many of the decisions regarding reclamation must be made now, while mining is in progress. Among these are the disposition of newly created waste, and the contouring of waste piles. Thus, many of the decisions that would be made from the EIS will have been made and implemented before the EIS is completed. Secondly, unless the EIS is completed rapidly, Anaconda will have completed mining before the Survey can approve the reclamation plan. If this occurs, the mine would either lie idle, or Anaconda would continue with reclamation efforts without knowing the final reclamation requirements. The latter is the best alternative, but is not ideal, especially from Anaconda's point of view.

Complicating this situation are the Environmental Protection Agency's new RCRA regulations, which will determine the final disposition of those waste piles that contain radioactive elements in concentrations above accepted safe limits. All of the reclamation requirements of the Tribe and the Survey must be designed around these regulations, and extensive coordination with EPA may be necessary.

If it is determined that the preparation of an EIS will not be necessary, it is likely that a radiological surface and subsurface water study and a radiological air quality study will be needed to supplement our environmental assessment. These studies could be performed by a private contractor, or government agencies having expertise in these areas. Although we have implemented extensive monitoring at the mine, we are not comfortable predicting the impacts in these areas.

Most importantly, a decision must be made rapidly. Delay will destroy the usefulness of an EIS, and complicate the EA process.

I believe that the Survey's approval of the reclamation plan will constitute a major Federal action significantly affecting the quality of the human environment in the sense of NEPA, Section 102(2)(C), as defined by 40 CFR 1509.27(b)(1), (2), (5), and (6). I recommend the following:

1. Due to the serious time restraints on plan approval, the EIS process should be initiated immediately. The selection of an EIS team, scoping meetings, funding, etc., may be accomplished while the reclamation plan is being finalized.
2. The Bureau of Indian Affairs and the Environmental Protection Agency should be requested to co-author the EIS, due to their responsibilities under 25 CFR 177 and the RECRA regulations, and thereby, bring their particular expertise to the EIS team.

If you desire additional details, please contact Marc Nelson in the Albuquerque office.

David R. Stewart

cc: CM, SCR
DOM, SCR
File
Chrono

MNelson:ab: 05-07-30